

### **REMARKS**

Claims 1-104 were previously pending in this application. Claims 23 and 70 have been amended and new claims 105-119 have been added. No new matter has been added. As a result, claims 1-119 are pending in the application with claims 30-35 and 51-55 being withdrawn from consideration. Claims 1, 13, 23, 36, 56, 70, 85, 89, 97 and 105 being the non-withdrawn independent claims.

Applicants thank the Examiner for the courtesies extended to Neil P. Ferraro and Kristin D. Wheeler during a telephone interview on June 23, 2004. Below is a summary of the substance of the telephone interview.

### **Allowable Subject Matter**

Applicants thank the Examiner for indicating that claims 36-50 are allowed. Applicants also note that claims 3, 4, 9, 15, 16, 21, 25, 29, 58, 59, 61, 66, 72, 73, 81, 91, 92, 95, 99, 100 and 103 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. However, Applicants have not rewritten these claims because Applicants believe that the claims upon which these claims depend are allowable.

### **Amended Claims and New Claims**

Independent claim 23 has been amended to more broadly claim the concept of adjusting the two straps in a plurality of positions and to claim the adjustability of the boot strap with an engagement strap.

Independent claim 70 has been amended to more broadly claim the concept of adjusting the two straps in a plurality of positions.

Independent claim 105 and dependent claims 106-119 have been added to more particularly claim Applicants' invention. Independent claim 105 is similar to independent claim 36, except that it is intended to more broadly claim adjusting two straps in a plurality of positions. It is believed that claims 105-119 define over the cited art and are drawn to the elected subject matter.

**Rejections Under 35 U.S.C. §103**

*I. Rejection Based on Hansen in View of Victor*

Claims 1, 2, 5-8, 10-14, 17-20, 22, 85, 86, 88-90, 93, 94, 96-98, 101, 102 and 104 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hansen (U.S. Patent No. 5,918,897) in view of Victor (CA 1001-676). Victor is relied upon to teach a secondary adjusting buckle (54) for providing adjustability between the binding strap (5, 10) and straps (29, 30) of Hansen. This rejection is traversed and Applicants respectfully request reconsideration.

Applicants submit that there is no motivation to provide the additional adjustability of Victor with Hansen. The Hansen adjustment between the mounting strap 8, 9, 11 and the engagement strap 29, 30 provides all the adjustability needed. Any further adjustability would not provide any meaningful additional adjustability. Thus, independent claims 1, 13, 85, 89 and 97 are patentable over Hansen and Victor.

Additionally, as discussed with the Examiner, the combination of Hansen and Victor does not result in the Applicants' claimed invention. To assist the Examiner in understanding Applicants' position, sketches of binding straps according to the claims and cited references were faxed and discussed with the Examiner during the interview. (Additional copies are provided herewith). These sketches are only provided to assist the Examiner in understanding Applicants' position and are not intended to limit the scope of the claimed invention.

As claimed in independent claim 1, the binding strap is mountable to a baseplate by a mounting strap and is releasably connectable to an engagement strap extending from the baseplate. A flexible binding strap member is configured and arranged to be connected to the engagement strap to adjust tightening of the strap about the boot when the boot is in the binding, the flexible binding strap including a pocket configured and arranged to movably receive a first end of the mounting strap. Thus as discussed with the Examiner, adjustability is provided somewhere between the flexible binding strap member and the baseplate (see attached FIG. 1). Claim 89 also provides for adjustability somewhere between a flexible binding strap member and a baseplate. Additionally, in independent claims 13, 85 and 97, adjustability is provided somewhere between a flexible strap member or first strap piece and the engagement strap or second strap component or member.

Hansen teaches a baseplate 3, 4 attached to a mounting strap 8, 9, 11 (only one strap is shown for simplicity in attached FIG. 2) received under strap 10 (e.g., pocket) on the flexible

binding strap member 5. The third strap (e.g., engagement strap) is provided adjustably attached to the mounting strap and attached to the draw plate 7'; while the draw plate 7' is attached to the baseplate 3,4. As discussed with the Examiner, no adjustability is provided between the flexible binding strap member 5 and the baseplate 3, 4 or between the engagement strap 29, 30 and flexible strap member 5.

The Examiner seeks to combine Hansen with Victor to incorporate the claimed adjustability. As discussed with the Examiner and shown in the attached FIG. 3, the combination of the references provides adjustment between the engagement strap 29, 20 and the draw plate 7'. However, no adjustment is provided between member 5 and the baseplate 4, as required by independent claims 1 and 89. Additionally, no adjustability is provided between the binding strap member 5 and the engagement strap 29, 30, as required by independent claims 13, 85 and 97. Thus, these claims are not rendered obvious by the combination of Hansen and Victor.

Accordingly, withdrawal of this rejection is respectfully requested.

Dependent claims 2, 5-8, 10-12, claims 14, 17-20 and 22, claims 86 and 88, claims 90-93, 94 and 96, and claims 98, 101, 102 and 104 respectively depend from independent claims 1, 13, 85, 89 and 97 and are patentable for at least the same reasons.

## *II. Rejection Based on Hansen in View of Victor and Andre*

Claims 23, 24, 26, 27, 28, 56, 57, 60, 62-65, 67-71, 74-80, 82-84, and 87 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hansen in view of Victor and Andre (U.S. Patent No. 2,531,763). Specifically, Andre is relied upon to teach a mounting system which includes a plurality of apertures and a mating hook. This rejection is also respectfully traversed and Applicants respectfully request reconsideration.

Applicants submit that the proposed combination of Hansen with Victor and Andre would not result in the claimed invention. As discussed above, the combination of Hansen and Victor does not provided adjustment between the binding strap member 5 and the baseplate 4 as claimed in independent claim 56 and amended independent claim 70, or adjustment between the binding strap member 5 and the engagement strap 29, 30 as claimed in amended independent claim 23. Andre fails to remedy these deficiencies.

Accordingly, withdrawal of this rejection is respectfully requested.

The remaining claims are patentable at least for the same reasons set forth above.

**CONCLUSION**


In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

*Carpenter et al., Applicants*

By:



Neil P. Ferraro, Reg. No. 39,188  
Kristin D. Wheeler, Reg. No. 43,583  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2211  
Tel. No.: (617) 720-3500

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